United Nations A/HRC/25/G/11

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Note verbale dated 1 March 2014 from the Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

The Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the President of the Human Rights Council, and has the honour to transmit herewith the text of an official communication, dated 24 February 24 2014, by the acting President of Ukraine and Chairman of the Verkhovna Rada of Ukraine, Oleksandr Turchynov (see annex).

The Permanent Mission kindly requests that the communication attached* be circulated as a document of the twenty-fifth session of the Human Rights Council under agenda item 4 and posted on its website.

* Reproduced as received, in the language of submission only.

GE.14-11940
1411940

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Annex

[English only]

On February 21, 2014, the President of Ukraine V. Yanukovuch on the one side and the opposition leaders V. Klychko, O. Tyahnybok and A. Yatsenyuk on the other side signed an Agreement on the Settlement of Crisis in Ukraine (the Agreement). Negotiations on the Agreement were held with the participation of the EU representatives including the Minister for Foreign Affairs of Poland R. Sikorski, the Minister for Foreign Affairs of Germany F. Steinmeier and the Minister for Foreign Affairs of France L. Fabius, as well as V. Lukin, a Special Envoy of the President of the Russian Federation.

At 10 a.m. on February 21, 2014, the text of the Agreement was approved by the parties and signed by V. Yanukovuch, V. Klychko, O. Tyahnybok, A. Yatsenyuk, R. Sikorski, F. Steinmeier and L. Fabius.

V.Lukin, a Representative of the Russian Federation, did not sign the Agreement, thereby not recognizing it.

According to the Agreement, within 48 hours after the signing of the Agreement a special law that would restore the Ukrainian Constitution of 2004 had to be adopted by the Verkhovna Rada, signed by the President and made public.

The parties also agreed on the early presidential elections to be held immediately after the adoption of the new Constitution of Ukraine, but no later than in December, 2014. The parties agreed to refrain from the use of violence.

In order to implement the Agreement, the Verkhovna Rada adopted by a constitutional majority (386 votes) the Law of Ukraine "On Restoring Specific Provisions of the Constitution of Ukraine" that provided for the restoration of the Constitution of Ukraine of 2004.

Meanwhile, on February 22, 2014, V. Yanukovych publicly stated in a video-interview that he renounced the Agreement and had no intent to sign the law restoring the Constitution of 2004 adopted by the parliament, left the city of Kyiv for unknown destination and, in fact, removed himself from his constitutional authority.

Therefore, on February 22, 2014, the Verkhovna Rada of Ukraine, which was the only legitimate authority in Ukraine, providing the absence of a legitimate Government of Ukraine (which resigned on January 28, 2014) and President's self-removal from exercising his functions, adopted Decree № 750-VII "On the Text of the Constitution of Ukraine as of June 28, 1996, with amendments, adopted by the laws of Ukraine № 2222-IV of December 8, 2004, № 2952-VI of February 1, 2011, and № 586-VII of September 19, 2013».

By this Decree, the Parliament of Ukraine, based on its exclusive authority to amend the Constitution of Ukraine, considering the Conclusions of the European Commission for Democracy through Law entitled "On the Constitutional Situation in Ukraine" of December 20, 2010, aiming at restoring the legitimacy of the constitutional order in Ukraine, declared that the provisions of the Constitution of Ukraine adopted at the 5th session of the Verkhovna Rada of Ukraine on June 28, 1996, with amendments adopted by the laws of Ukraine № 2222-IV of December 8, 2004, № 2952-VI of February 1, 2011, and № 586-VII of September 19, 2013 are in force.

This decree will be in effect until the Law of Ukraine "On Restoring the Specific Provisions of the Constitution of Ukraine" № 742 adopted on February 21, 2014, enters into force.

Moreover, considering the actual renunciation of the Agreement by V. Yanukovych, the Verkhovna Rada of Ukraine on February 22, 2014, adopted the following decrees: "On the Removal of the President of Ukraine from his Constitutional Authority and Early Elections of the President of Ukraine" and "On Assuming Political Responsibility for the Situation in Ukraine".

By these decisions the parliament of Ukraine recognized that the President of Ukraine V. Yanukovych removed himself from his constitutional duties through unconstitutional means and did not perform his duties, and set the early elections of the President of Ukraine on May 25, 2014.

Therefore, according to Article 112 of the Constitution of Ukraine of 2004 (in case of early termination of powers of the President of Ukraine the functions of the President of Ukraine shall be carried out by the Speaker of the Parliament until a new President is elected and inaugurated), the only legitimate supreme authority in Ukraine is the Verkhovna Rada of Ukraine.

All decisions adopted by the Parliament are aimed at the soonest creation of the constitutional government authorities in Ukraine, the expression of the sovereign will of the Ukrainian people and the restoration of the civil peace in Ukraine.

Thus, the opposition and the Members of Parliament of the former ruling party majority in the Parliament secured realization of the provisions of the Agreement since V. Yanukovych removed himself from the implementation of the peaceful arrangements and his official duties.

In this regard, the stance of the Russian side on failure of the opposition to implement the Agreement is groundless and without merit, in as much as the Agreement was not fulfilled by the ex-President V.Yanukovych himself, which was proved both by his actions – in accordance with the Agreement he was to sign the law adopted by the Parliament restoring the Constitution of Ukraine of 2004 by 10 a.m. on February 23, 2014, – and by his public statements.

Moreover, such a stance by the Russian side is surprising given the fact that Russian Envoy V. Lukin, in fact, refused to recognize the Agreement at the time of its signing.

United Nations A/HRC/25/G/12

General Assembly

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6 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 1
Organizational and procedural matters

Note verbale dated 3 March 2014 from the Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to submit herewith the remarks made in exercise of the right of reply by the Ambassador and Permanent Representative of Ukraine, Yuri Klymenko, following the statement made by the Minister for Foreign Affairs of the Russian Federation, Sergei Lavrov, on 3 March 2014 during the high-level segment of the twenty-fifth session of the Council (see annex).

The Permanent mission would be highly appreciative if the secretariat of the Human Rights Council could kindly circulate the present note verbale and the annex thereto* as a document of the twenty-fifth session of the Human Rights Council.

* Circulated as received, in the language of submission only.

GE.14-11903
1411903

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Annex

[English only]

Remarks in exercise of the right of reply by Yurii Klymenko, Ambassador and Permanent Representative of Ukraine, delivered on March 3, 2014 at the High-Level Segment of the 25th session of the Human Rights Council

Mr. President,

Excellencies,

Distinguished delegates,

Since Ukraine was mentioned today with regard to the grave situation in my country, in particular, in the statement of the Minister for Foreign Affairs of the Russian Federation Mr. Lavrov, I would like to provide some clarifications.

But, first of all, I would like to wholeheartedly thank the relevant countries and their high dignitaries who expressed today solidarity with Ukraine in these very challenging times for her.

The Russian Federation brutally violated the basic principles of the UN Charter by an explicit act of aggression against Ukraine, representing a serious threat to sovereignty and territorial integrity of my country. More than 6 thousand Russian troops have already illegally entered the territory of Ukraine in Crimea region under blatantly ungrounded and far-fetched pretext of protecting the Russian-speaking community.

We have witnessed today attempts to substitute obvious facts by upside down biased politically motivated interpretations of the political situation in Ukraine and framed allegations of violations of rights of the Russian minority.

There are neither prerequisites for nor instances of ethnic tensions or discrimination in Ukraine. This statement is solidly proved by all relevant reports of the UN human rights mechanisms including the UPR and treaty bodies.

All poorly concocted accusations in violation of rights of the Russian minority, especially concerning the "prohibition" of the use of Russian language, serve the only goal of justifying an act of aggression against Ukraine.

On allegation of right-wing extremist character of protests. Flagrant encroachment of the former highest authorities on the human rights and fundamental freedoms of people have demonstrated an unmatched coherence and unity of all ethnicities and nationalities from all regions of Ukraine in their struggle against oppression. Million protests had explicitly political dimension.

We unequivocally reject any allegations of anti-Semitism. No ethnically motivated human rights violation during three month long rallies has been recorded nor radical political agenda supported. Just recently the head of the European Jewish Union has joined the new government of Ukraine, sharing and supporting its unmatched reformist program.

Mr. President,

Political crisis in Ukraine is definitely over. Consistent implementation of the Agreement on the settlement of political crisis is an utmost priority for the new coalition government.

Let me draw your attention that the former President Yanukovych has left the country and has not signed into force the law reinstating the 2004 Constitution of Ukraine, which brings the country back to the more balanced parliamentary-presidential type of republic. This piece of legislation is a key element of the Agreement on the Settlement of Crisis, signed on February 21, and has already entered into force.

The Agreement continues to be a roadmap for de-escalation of the political tension in Ukraine and its implementation is a top priority for the parliament and new government who nowadays undertake all necessary steps aimed at implementation of the Agreement on the Settlement of Crisis. Human rights reside in the core of these steps.

Let me also recall that the current opposition (Party of Regions and the Communist Party) have explicitly and voluntarily decided not to take part in the new Government of Ukraine. However, they supported the appointment of the new government, which was voted with more than constitutional majority of members of parliament (331).

Besides that I would like to draw your attention that some members of the new government do represent Crimea (Minister for social policy), Kharkiv (Minister for Internal affairs) and Lugansk (Minister for Agricultural Policy).

Mr. President,

The single destabilizing factor in Ukraine today is the presence of 6000 illegal Russian servicemen in Crimea and their blatant provocations against legitimate state institutions.

Key administrative buildings in Crimea are now blocked and occupied not by Ukrainians, who do not support the current government, but by Russian Armed Forces in Crimea.

I would like to draw your attention to the invitation extended by Ukraine to the OSCE's and Council of Europe's special missions to check proper observance of the rights of the citizens of Ukraine of all nationalities and religious denominations in the Autonomous Republic of Crimea and other regions of Ukraine.

My country demands from the Russian Federation to stop the military intervention and to abide by its commitments under the UN Charter, to exhibit restraint and avoid steps which could instigate extremism or provoke ethnic tensions in Ukraine.

Thank you.

United Nations A/HRC/25/G/13

General Assembly

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7 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 1
Organizational and procedural matters

Note verbale dated 4 March 2014 from the Permanent Mission of Indonesia to the United Nations Office and other international organizations in Geneva addressed to the Office of the President of the Human Rights Council

The Permanent Mission of the Republic of Indonesia to the United Nations, the World Trade Organization and other international organizations in Geneva presents its compliments to the Office of the President of the Human Rights Council and has the honour to convey herewith the written version of the statement made in exercise of the right of reply delivered by the delegation of Indonesia during the high-level segment of the twenty-fifth session of the Human Rights Council (see annex).

The Permanent Mission also has the honour to request the assistance of the Office of the President to have the document attached* circulated as a document of the twenty-fifth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

GE.14-11917

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Annex

[English only]

Mr. President,

My delegation takes the floor to exercise its right of reply to the statement made by Vanuatu.

The Government of the Republic of Indonesia strongly rejects the statement concerning the so-called 'issue of West Papua', made by the Prime Minister of Vanuatu, H.E. Moana Carcessess Kalosil, at the High-Level Segment on this morning.

His statement represents an unfortunate and sadly lack of understanding of basic facts on historical role of the UN and the principled position of international community at large as well as the current state of Indonesia, including the actual development in the provinces of Papua and West Papua, Indonesia.

We are just too conscious that internal political dynamics in Vanuatu have often played a role in the raising of the so-called 'issue of West Papua' in various fora, including the United Nations, as evidently stated in a statement made by the Office of Prime Minister Sato Kilman of Vanuatu in May 2012 and published by the Vanuatu Daily Post on 22 May 2012, which stated inter alia:

"in Vanuatu, the West Papua issue has been politicized and used by different political parties and movements not for the interests of the people in West Papua but more so for elections and political campaign propaganda ..."

Furthermore, the statement of Mr. Kalosil is simply in contradiction with the visit of a high-level delegation of the Melanesian Spearhead Group (MSG) members representing Melanesian Community, to Indonesia from 11 to 16 January 2014 in which Ministerial Level Delegation of Fiji, Papua New Guinea, Solomon Islands and representative of the Front de Liberation Nationale Kanak et Socialiste (FLNKS) of New Caledonia as well as MSG High Representative conducted in situ visit to Papua province and obtained firsthand information. The Communique resulted from the visit stipulates that the government of Indonesia and members of the MSG are determined to strengthen cooperation and further enhance constructive relationship.

Worse, his statement is also in contradiction to the will of the Vanuatu government itself towards its relation with Indonesia as reflected in the 2011 Bilateral Development Cooperation Agreement that provides a legal framework for the two countries to respect each other's sovereignty, unity, and territorial integrity and principles of non-interference in each other's internal affairs.

Mr. President,

For its part, Indonesia will not be distracted by such inclination. We will continue fostering our agenda for democracy, including the promotion and respect for the human rights of all its peoples.

At the same time, we will also persevere in the promotion of friendly relations with the Government and people of Vanuatu based on principles governing friendly relations between countries. A good will that we have demonstrated by presenting constructive recommendations to Vanuatu in their UPR consideration on last January.

Finally, Mr. President, we also would like to request to you that this statement to be put as an official document and record of the Human Rights Council.

I thank you.

United Nations A/HRC/25/G/14

General Assembly

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11 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 24 February 2014 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit herewith a press release of the Permanent Mission of the Republic of Azerbaijan on the commemoration of the twenty-second anniversary of the Khojaly genocide in Azerbaijan.

I would be highly appreciative if you could kindly circulate my letter and the annex thereto* as a document of the twenty-fifth session of the Human Rights Council under agenda item 4.

(*Signed*) Murad N. Najafbayli

Ambassador, Permanent Representative

* Circulated as received, in the language of submission only.

GE.14-11973

1411973

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Annex

[English only]

Commemoration of the twenty-second anniversary of the Khojaly Genocide

The most serious crimes of concern to the international community, such as war crimes, crimes against humanity and genocide, have been committed in the course of the ongoing aggression of the Republic of Armenia against the Republic of Azerbaijan. In the upcoming days, Azerbaijan commemorates the twenty-second anniversary of the atrocious crimes committed against the civilians and defenders of the town of Khojaly, situated in the Nagorno Karabakh region of the Republic of Azerbaijan.

Late into the night of February 25, 1992 the town of Khojaly has become under the intensive fire from the town of Khankendi and Askeran that already occupied by Armenian forces. At night from February 25 to 26 the Armenian armed forces supported by the ex-Soviet 366th regiment completed the surrounding of the town already isolated due to ethnic cleansing of Azerbaijani population of its neighboring regions. The joint forces have occupied the town which has been brought in rubbishes by heavy artillery shelling. After all 150 people defending the town were killed by overwhelmed fire and by superior forces of advancing army regiments the remaining handful of the town's defendants provided a humanitarian corridor for several hundreds of the town's residents to escape from their homes. Under the heavy conditions the towns' population moved into the darkness of night to be met at the middle of the route by ambush of Armenian forces and militia. Several thousands of fleeing civilians were ambushed at several points and being shelled by bullet rain tried to find refuge in the near-by forests and mountains terrain. However, Armenian armed forces reached out unprotected civilians to slaughter some, finish off others, having some bodies mutilated and scalped as the notorious Karabakh war trophies.

In a few hours of night from 25 to 26 February 613 civilians were killed including 106 women, 83 children. Another 1,000 people were wounded and 1,275 taken hostage. To this day, 150 people from Khojaly remain missing. 56 people were killed with outrageous brutality, 8 families were totally exterminated, 25 children lost both parents while 130 children lost at least one parent in a genocide which has become the most brutal punishment of civilians during the whole years of the conflict's military phase.

The facts confirm that the intentional offences committed against the civilians in Khojaly constitute a crime of genocide. Thus, in accordance with II Article of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide 1948, Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. From this concept it is clear that "one of the abovementioned unlawful acts" and "specific intention" are the main elements of the crime of genocide. In the case of Khojaly the first element was killing and causing serious bodily or mental harm, as well as other above-mentioned acts. The specific genocidal intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such was also present in the case of Khojaly, because the facts confirm that the intentional massacre of the civilians in Khojaly was directed at their mass extermination only because they were Azerbaijanis. So, these facts confirm that intentional slaughter of

the civilians in Khojaly town constitutes a crime of genocide that was committed by Armenians against Azerbaijanis.

The genocide in Khojaly, along with other grave crimes committed during the conflict between Armenia and Azerbaijan, entail the State responsibility of Armenia and the individual criminal responsibility of those who participated in said acts and their accomplices and accessories. This responsibility emanates from public international law and, more particularly, from the provisions of the abovementioned Convention and those of Convention for the Protection of Human Rights and Fundamental Freedoms, to which both Armenia and Azerbaijan are parties.

In its judgement of 22 April 2010, the European Court of Human Rights arrived at an important conclusion with respect to the crime committed in Khojaly, qualifying the behaviour of those carrying out the incursion as "acts of particular gravity which may amount to war crimes or crimes against humanity". The European Court made in this regard the following observation, which leaves no doubt as to the question of qualification of the crime and ensuing responsibility for it:

"It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town ..." (Judgement of the European Court of Human Rights of 22 April 2010, para. 87).

Armenian officials deny their responsibility for the crimes committed during the conflict, including against the population of Khojaly, airily falsifying facts and sharing their own interpretations of them, which deviate not only from reality but also from elementary logic. Nevertheless, even the subtlest propaganda will never manage to disprove the facts that speak of a situation diametrically opposite to that represented by the Armenian side.

Apart from the considerable information in possession of the law enforcement agencies of the Republic of Azerbaijan, the responsibility of Armenia is documented also by numerous independent sources and eyewitnesses of this genocide tragedy.

Western media reported with horror the killing of the innocent residents of Khojaly by indiscriminate Armenian gunfire and other brutal acts by invading troops (more information is available in document E/CN.4/2002/151).

In his cynical admission of culpability, Armenia's then-Defense Minister and current President, Serzh Sargsyan, was quoted by the British journalist Thomas de Waal, as saying, "before Khojaly, the Azerbaijanis thought that ... the Armenians were people who could not raise their hand against the civilian population. We were able to break that stereotype" (Thomas de Waal, Black Garden: Armenia and Azerbaijan through Peace and War (New York and London, New York University Press, 2003), p. 172)).

Author Markar Melkonian would later describe in his book how some residents of Khojaly had nearly reached safety after fleeing almost six miles but "Armenian soldiers chased them down". The soldiers, he continues, "then unsheathed the knives they had carried on their hips for so long, and began stabbing" (My Brother's Road: An American's Fateful Journey to Armenia (London and New York, I. B. Tauris, 2005), pp. 213-214).

In response to the Armenian side's gross misinterpretation of the 1992 Human Rights Watch (HRW)/Helsinki report's reference to the Khojaly events, the Executive Director of that non-governmental human rights organization, in a letter of 24 March 1997 addressed to the Minister for Foreign Affairs of the Republic of Armenia, pointed out the following: "We place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians" (the

letter of the HRW Executive Director is available at the HRW website: (http://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh).

The overall assessment of the causes and consequences of the war unleashed by Armenia against Azerbaijan makes it absolutely clear that the intentional slaughter of the civilians and defenders of Khojaly was not an isolated or sporadic act, but was part of Armenia's widespread and systematic policy and practice of atrocities, at the core of which are odious ideas of racial superiority, ethnic differentiation and hatred. It should be also noted that the Khojaly massacre and other crimes committed against Azerbaijanis during the conflict have finally exploded the myth depicting Armenia as an eternal victim.

For nearly 20 years the state of Azerbaijan has been carrying out specific and systematic work to inform the world community of the Khojaly tragedy perpetrated by Armenian forces and to have it recognized on the international scene as genocide. In recent years, as part of the international campaign "Justice for Khojaly", numerous civil society institutions, youth and Diaspora organizations representing our compatriots together with government agencies have been carrying out productive activities in this area. The true face of the Armenian propaganda machine, built on lies and falsifications, is already being exposed, the global public opinion is beginning to perceive the truth about Khojaly. The Parliamentary Union of the Organization of Islamic Cooperation has recognized this fact as "a massive crime against humanity" and urged its member-states to give an appropriate political and legal assessment to this tragedy. At the same time, the parliaments of some countries have passed resolutions recognizing this massacre as an act of genocide.

The Republic of Azerbaijan considers any racial discrimination and hostility on ethnic and religious grounds, regardless of where they occur, as a crime against humanity. The Government of the Republic of Azerbaijan is striving to pursue activities for an objective assessment to be given to the Khojaly genocide and to the Armenian occupation of Azerbaijani territories, and to restore historical and legal justice.

There can be no long-term and sustainable peace without justice. This requires consistent commitment by States towards their obligations to prosecute those responsible for breaches of international humanitarian law or international human rights law.

The Government of Azerbaijan is confident that consistent measures being taken at the national level, as well as the existing legal framework of prosecution of and punishment for the most serious crimes of concern to the international community, will serve to end impunity for the crimes in Khojaly and other grave offences committed in the course of the aggression of Armenia against Azerbaijan. It is important to ensure that the pursuit of offenders is undertaken through either the domestic legal systems of involved and third-party States or relevant international criminal institutions, as appropriate, and that State responsibility is enforced through existing inter-State mechanisms. Ending impunity is essential not only for the purposes of individual criminal responsibility for serious crimes, but also for peace, truth, reconciliation and the rights of the victims.

United Nations A/HRC/25/G/15

General Assembly

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Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Letter dated 14 March 2014 from the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I would like to refer to the letter dated 29 January 2014 from the Permanent Representative of Azerbaijan to the President of the Human Rights Council (A/HRC/25/G/5). That letter is nothing but another attempt by the Azerbaijani propaganda machine to distort reality and to distract the attention of the international community from the blatant, continuous violations of the ceasefire by Azerbaijan itself.

Completely ignoring its own commitments under the ceasefire agreement concluded on a trilateral basis in 1994, as well as the calls by the international community on the sides to commit themselves to the Olympic Truce during the Winter Olympics and the Paralympics in Sochi, Russian Federation, Azerbaijani armed forces target Armenian positions and settlements on a daily basis along the line of contact between Nagorno-Karabakh and Azerbaijan and the Armenian-Azerbaijani State border.

Since January 2014, the Azerbaijani side has fired incessantly in the direction of the villages of the Tavush region of the Republic of Armenia, inflicting firearm wounds on civilians. There was a serious escalation of the situation on the line of contact as a result of attempted infiltrations by the Azerbaijani military into the territory of Nagorno-Karabakh. Since 20 January, such Azerbaijani provocations have led to two casualties in the ranks of the Defence Army of Nagorno-Karabakh and numerous casualties on the Azerbaijani side.

I would also like to draw your attention to the data below on violations of the ceasefire regime by Azerbaijan on the line of contact with the Nagorno-Karabakh Republic and along the Armenia-Azerbaijan border recorded during January 2014, provided respectively by the Ministries of Defence of the Nagorno-Karabakh Republic and the Republic of Armenia.

1. On the line of contact between Nagorno-Karabakh and Azerbaijan

Total number of violations: 2,750

Total number of shots: 22,446

AK Kalashnikov rifle: 17,078

PK Kalashnikov machine gun: 3,834

SVD 7.9 mm sniper weapon: 926

DSHK 12.7 mm machine gun: 191

RPK 5.45 mm machine guns: 128

Black arrow 12.7 mm sniper weapon: 85

Istigall 14.5 mm machine gun: 161

Utyos 12.7 mm machine gun: 40

NSVP 12.7 mm machine gun: 3

2. On the border of the Republic of Armenia

Total number of violations: 363

Total number of shots: 10,457

AK Kalashnikov rifle: 1,125

PK Kalashnikov machine gun: 5,715

SVD 7.9 mm sniper weapon: 141

DSHK 12.7 mm machine gun: 3,391

RPK 5.45 mm machine gun: 12

Black arrow 12.7 mm sniper weapon: 56

Istigall 14.5 mm machine gun: 9

NSVP 12.7 mm machine gun: 8

On 18 February 2014, the Permanent Representative of Armenia to the United Nations addressed a letter to the Secretary-General, providing detailed information on the above-mentioned violations (A/68/760–S/2014/110).

Such systematic abuses by Azerbaijan of the principles of international law, namely, the non-use of force and the threat of use of force, seriously endanger regional peace and security. This is particularly disconcerting in the context of the recent military threats by Azerbaijan and the most recent belligerent statements made by the leaders of Azerbaijan, jeopardizing the peace process mediated by the Organization for Security and Cooperation in Europe Minsk Group Co-Chairs.

The above-mentioned gives solid ground to conclude that the actions of certain Azerbaijani detachments are either not properly subject to a chain of command or that these provocations are deliberately intended to destabilize the situation in the region.

I would like once again to stress the importance of complying with the 1994 ceasefire and 1995 ceasefire strengthening agreements, as well as of implementing the proposals to withdraw snipers and to create an investigative mechanism on ceasefire violations. Clear and unequivocal commitment to the ceasefire and confidence-building by the parties concerned will definitely serve as a crucial factor in creating a conducive environment for the peace process as much as every death of a soldier or a civilian on the line of contact between Nagorno-Karabakh and Azerbaijan and on the State border between Armenia and Azerbaijan will create new serious predicaments towards that end.

I would appreciate it if you could circulate the present letter as a document of the twenty-fifth session of the Human Rights Council under the agenda item 4.

(*Signed*) Charles Aznavour

Ambassador, Permanent Representative

United Nations A/HRC/25/G/16

General Assembly

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19 March 2014

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Human Rights Council
Twenty-fifth session
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 13 March 2014 from the Permanent Mission of the Republic of Singapore to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Singapore to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the secretariat of the Human Rights Council, and has the honour to refer to the attached joint statement, which was delivered on 5 March 2014, at the high-level panel discussion on the question of the death penalty, at the twenty-fifth session of the Human Rights Council (see annex).

The Mission has the further honour to request on behalf of the permanent missions of Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, the Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, India, the Islamic Republic of Iran, Kuwait, the Lao People's Democratic Republic, Malaysia, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Somalia, the Sudan, Uganda, the United Arab Emirates, Viet Nam and Yemen that the joint statement* be circulated as a document of the twenty-fifth session of the Human Rights Council under agenda items 2 and 3.

* Reproduced as received, in the language of submission only.

GE.14-12195
1412195

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Annex

[English only]

Joint statement delivered at the high-level panel discussion on the question of death penalty on 5 March 2014, at the twenty-fifth session of the Human Rights Council

Mr President

I have the honour to deliver this statement on behalf of a group of 26 countries (as indicated at the end of the statement). As reflected by the vote on the Human Rights Council's Decision 22/117 to hold the high-level panel discussion on the Question of Death Penalty, the simplistic approach to characterise death penalty as a human rights issue in the context of the right to life of the convicted prisoner is deeply flawed and controversial. Death penalty is first and foremost an issue of the criminal justice system and an important deterring element vis-à-vis the most serious crimes. It must thus be viewed from a much broader perspective and weighed against the rights of the victims and the right of the community to live in peace and security. A constructive dialogue in the Council on this issue is possible only if the legitimate interests of all States are taken duly into account.

There is no international consensus for or against death penalty imposed according to the due process of the law. This has repeatedly been confirmed by the votes on past UNGA resolutions on the moratorium on the use of death penalty, most recently in the 67th session of the General Assembly.

The United Nations Charter clearly stipulates that nothing in the Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Every State has the inalienable right to choose its legal and criminal justice systems, without interference in any form by another State. Accordingly, the question of whether to retain or abolish death penalty and the types of crimes for which the death penalty is applied should be determined by each State. Key international instruments that apply to countries with wide divergence in cultures and values do not proscribe the use of death penalty in their texts. The issue of death penalty is a question that every State has the sovereign right, under international law, to decide, taking into account its own circumstances.

Thank you, Mr President.

List of co-sponsors

1. Kingdom of Bahrain
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United Nations A/HRC/25/G/17

General Assembly

Distr.: General
19 March 2014

Original: English

Human Rights Council
Twenty-fifth session
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Letter dated 18 March 2014 from the Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to address the present letter to you in my capacity as Chair of the Non-Aligned Movement in Geneva with regard to the issue of the position of the Office of the United Nations High Commissioner for Human Rights on publishing comments by States on the country reports of the Office of the High Commissioner and the Secretary-General as addenda thereto.

In this regard, I wish to draw your attention to paragraph 110 of the annex to the institution-building package, Human Rights Council resolution 5/1, in which the Council states that "the methods of work, pursuant to General Assembly resolution 60/251, should be transparent, impartial equitable, fair, pragmatic; lead to clarity, predictability and inclusiveness. They may also be updated and adjusted over time."

In this regard, it is pertinent to note that the comments made by States on reports of special procedures mandate holders are published as addenda, as stipulated in Human Rights Council resolution 5/2, in which, at Article 8 (d), the Council states that mandate holders are to give representatives of the concerned State "the opportunity of commenting on mandate holders' assessment and of responding to the allegations made against this State, and annex the State's written summary responses to their reports", and also in the annex to Council resolution 16/21, on the outcome of the review of the work and functioning of the Council, in which, in paragraph 25, the Council stated that "the comments of the State concerned shall be included as an addendum to country mission reports." Furthermore, a clear precedent for publishing comments by States on country reports of the High Commissioner and the Secretary-General in the form of addenda was noted as recently as March 2013.

In fact, the inability to reflect comments by a State as addenda to country reports seriously impedes the visibility and integrity of subject between the two documents.

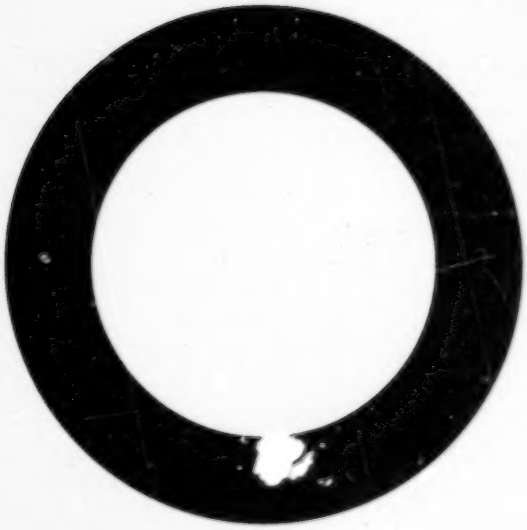
In view of the above, it is the considered view of the Non-Aligned Movement that, at present, there is a lack of clarity, transparency, equitability and predictability on the rules

governing the publishing of addenda containing comments by States to country reports of the High Commissioner and the Secretary-General.

As this issue has wider relevance and implications for all States Members of the United Nations, the Non-Aligned Movement submits to Your Excellency and through you to the Bureau to remain seized of this matter with a view to finding a fair and equitable solution in accordance with the rules of procedure and the institution-building package.

I also request that the present letter be circulated as a document of the twenty-fifth session of the Human Rights Council in the official languages of the United Nations.

(*Signed*) Mohsen Naziri Asl
Ambassador and Permanent Representative of the Islamic Republic of Iran
Chair of the Non-Aligned Movement in Geneva



United Nations A/HRC/25/G/18

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20 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 13 March 2014 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the secretariat of the Human Rights Council, and has the honour to inform the secretariat that it has noticed that the communications report of special procedures (A/HRC/25/74) contains a reference to communication TUR 4/2013 dated 14 August 2013.

The afore-mentioned communication was not received by the Mission of Turkey at that time, apparently owing to a technical failure. On its request, the Mission subsequently received from the Office of the United Nations High Commissioner for Human Rights the said communication, which will be taken into consideration by the relevant Turkish authorities and a response will be provided thereto in due course.

The Permanent Mission of the Republic of Turkey would appreciate it if the present note verbale could be duly circulated as a document of the twenty-fifth session of the Human Rights Council under agenda item 3.

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United Nations A/HRC/25/G/19

General Assembly

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20 March 2014

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Human Rights Council
Twenty-fifth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 19 March 2014 from the Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to submit herewith a memorandum on the promotion and protection of the rights of national minorities in Ukraine (see annex).

The Permanent Mission of Ukraine would be highly appreciative if the secretariat would kindly circulate the present note verbale and the annex thereto* as a document of the twenty-fifth session of the Human Rights Council under the agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Memorandum on the promotion and protection of the national minorities rights in Ukraine

I. Ensuring the national minorities rights in Ukraine

The modern Ukraine is a multinational country, with representatives of more than 130 nationalities living in its territory. It is internationally recognized that the real achievement of Ukraine`s national minorities policy over 22 years of its independence is an interethnic peace and stability in its territory.

The main task of Ukraine`s interethnic policy, which is based on the provisions of its Constitution and a number of legislative acts, is to provide equal opportunities for all its citizens, regardless of their ethnic and social origin, religion affiliation, sex, economic status, place of residence, language and other characteristics.

Maintenance of the atmosphere of inter-ethnic tolerance, elimination of root causes of inter-ethnic tensions, as well as prevention of potential conflicts on ethnic grounds are among the top priority tasks of the new leadership of Ukraine as a democratic state based on the rule of law.

At the current stage of its evolution, the Ukrainian State will continue ensuring the protection of basic rights and freedoms of its national minorities by means of guaranteeing further development of their cultural, linguistic and religious ethnic identity.

Ukraine will continue to meet in full its international obligations in the field of protection of national minorities, including those that fall under the basic documents of the Council of Europe - European charter for regional or minority languages and the Framework convention for the protection of national minorities. On a number of occasions, Council of Europe Member States and experts have clearly recognized Ukraine's progress in implementing these documents.

There are neither prerequisites for nor instances of ethnic tensions or discrimination in Ukraine, including with regard to the Russian minority. This statement is solidly proved by all relevant reports of the UN human rights mechanisms, including the Universal periodic review and treaty bodies.

Presently there is no single confirmed case of violation of rights of citizens of the Russian Federation in the territory of Ukraine, in particular, in the Autonomous Republic of Crimea.

On March 6, OSCE High Commissioner on National Minorities Astrid Thors stated that during her visit to Crimea she found no evidence of violations or threats to the rights of Russians and Russian-speaking citizens of Ukraine in the Autonomous Republic of Crimea.

At the same time, the Ukrainian government and the OSCE High Commissioner are alarmed that inter-ethnic relations in the Autonomy became considerably aggravated because of actions by the self-proclaimed government of the Autonomous Republic of Crimea, including illegitimate decisions to become a part of the Russian Federation and to conduct so-called "referendum". The Ukrainian and Crimean Tatar groups are in particular danger.

II. On ensuring the rights of the Russian minority in Ukraine

According to the nationwide census conducted in 2001, there were 8 million 334.1 thousand of Russian minority in Ukraine (17.3% of the total population). It makes it the second largest ethnic group (after the Ukrainian one).

The representatives of this nationality settled on the territory of Ukraine in a dispersed manner. The most amount of Russians live in the Donetsk, Luhansk, Dnipropetrovsk, and Zaporizhia regions and in the Autonomous Republic of Crimea.

95,9 % of them acknowledge Russian as their mother tongue, while 3.9 % acknowledge Ukrainian. The Russian language has never been persecuted in Ukraine. There are no persecutions now. It is enough to look at the ratio of printed media in Ukrainian and Russian in Ukraine, as well as broadcasting and educational data (annex is attached).

Russian minority's cultural, educational, social, information and linguistic rights are fully met and secured by the Ukrainian legislation. This statement can be supported by numerous examples.

Public associations

Public associations of Russian minority in Ukraine conduct large scale activities. In general, more than 100 public associations of Russian national minority are registered in Ukraine. The Ukrainian association of Russian culture "Rus'", the All-Ukrainian national cultural and educational society "Russkoye sobranie", the All-Ukrainian organization "Russian community of Ukraine" and the All-Ukrainian union of HGOs associations of compatriots "Russian community" act at the national level.

Russian minority NGOs conduct outreach cultural and educational activities, organize numerous conferences, festivals, competitions, workshops, round tables, etc. The Russian diaspora makes great efforts to promote the Russian language and culture and strengthen Ukrainian-Russian relations in all spheres of life.

Under the law of Ukraine, representatives of the Russian minority have every opportunity to meet their linguistic, educational, cultural and information needs in their native language.

Educational needs

Appropriate conditions for learning the Russian language have been created in general schools, vocational and technical institutes and higher education establishments, cultural centers, Saturday and Sunday schools all over the country.

According to the Ministry of education and science of Ukraine, in the 2012/2013 academic year Russian was the language of instruction and study in 1256 schools providing general education, with 694 331 pupils being taught in this language. 1 183 739 pupils were studying Russian in schools, and additionally 163 817 - were studying it optionally or in study circles.

Teacher-training programmes for general schools with the Russian language of instruction and study are provided by 12 higher education establishments of I-II levels of accreditation and by 34 higher education establishments of III-IV levels of accreditation in all administrative and territorial units of Ukraine. Mostly, they are classic and pedagogical universities. Training is carried out by specialist teachers (of Russian, Slavic languages, etc.). Professional development is being conducted in all regional institutes of postgraduate pedagogical education.

Taras Shevchenko National University of Kyiv, along with other establishments, annually holds the all-Ukrainian conference "The Russian language and literature. Problems of their learning and teaching". In 2012, the Russian language Department of the Institute of philology issued two collections of scientific works: "The Russian language, literature and culture in schools and establishments of higher education" and "Rusystyka" ("Russian studies").

Teachers of the Russian language and literature make full use of special journals that are published in Ukrainian and Russian ("World literature in general schools in Ukraine") and in Russian ("The Russian literature in schools of Ukraine", "Russian education"). Moreover, in each region, the institutes of postgraduate pedagogical education publish pedagogical magazines or newspapers which also cover issues of the Russian language and literature teaching.

According to the existing agreements, teachers of the Russian language and literature from Ukraine are given further training opportunities in Moscow, Voronezh, Rostov-on-Don, St. Petersburg under the quota established by the Russian centre of international scientific and cultural cooperation of the Ministry of Foreign Affairs of the Russian Federation.

Relevant international treaties, which are currently in force, are the following: Agreement between the Governments of Ukraine and the Russian Federation on cooperation in the fields of culture, science and education of 1995; Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on mutual recognition and equivalence of documents on education and academic titles of 2000; Agreement between the Ministry of education of Ukraine and the Ministry of general and professional education of the Russian Federation on cooperation in the field of education of 1998.

Culture

A variety of outreach cultural and educational activities aimed at reviving the cultural, linguistic and ethnic identity of the Russian community are being conducted with the support of the Council of Ministers of Crimea, central and local government bodies.

In the regions with the most amount of Russians the Russian language and culture developing programmes are being introduced, as follows: "Development of the Russian language and culture in the Donetsk region", "The regional programme on development of the Russian language and culture in Sevastopol in 2012-2016", "Preservation and development of the Russian language in Odessa in 2011-2015", "Development and use of the Russian language in the Kharkiv region". For the realization of introduced measures and programmes, outreach events are funded and carried out annually, such as: student competitions, contests for the Russian language experts, international scientific and practical conferences, the Russian language and culture weeks, etc.

As of today the cultural and artistic needs of Russian minority are met by theaters and studios of many genres, 90 of which as well as 3 children's puppet theaters give the performance in Russian, and 25 of which give the performance in Russian and Ukrainian.

There are over 100 active amateur groups of the Russian minority in Ukraine. They participate in various cultural and artistic events held by the Ministry of culture of Ukraine in different regions of the country.

The Russian minority has a window of opportunities to make full use of almost 60 mln. library copies in the Russian language.

Since 2010 the "Russian center" at Nadiya Krupska Universal scientific library in Donetsk has been operational, which was open with the support of the "Russian world foundation".

The Russian cultural center is operational in Lviv (the building was donated).

The Kherson regional NGO "Russian cultural center" is functioning at the regional Youth and students palace, and Kherson NGO "Russian national community "Rusych" - on the premises of the municipal higher education institution "Kherson academy of continued education" of the Regional Council. Kherson city center of Russian culture may carry out its activities on the premises of the general school # 51 of Kherson City Council (I-III levels of accreditation).

Since August 2012, the Russian center is fully operational in Sevastopol.

The Center of Russian culture is operational at Kharkiv humanitarian university called "People's Ukrainian academy".

Cultural and educational center for studying the Russian language of the Department of education of Rivne Executive Committee is fully operational at Rivne specialized school # 15 with advanced study of foreign languages.

Information needs

As of 2013, in order to meet information needs of Russian minority representatives in Ukraine the following print media were registered and fully functional: 2343 - published exclusively in Russian and 3598 - in mixed text (the Russian and other languages), 3834 are bilingual editions (the Russian and other languages).

In total, almost 40% of all printed mass media in Ukraine are in the Russian language. 5 to 74 % of the total broadcasting (depending on a region) use the Russian language.

III. Law on languages

The Parliament of Ukraine voted last month to repeal the [2012] Law "On the principles of the state language policy" (the [2012] Language Law), that allowed regions to adopt more than one language for official purposes if they were spoken by at least 10 percent of the local population (for the Russian language, just under half of Ukrainian regions meet this standard).

Ukraine's acting President Oleksandr Turchynov, who is also the current speaker of the Parliament, said that in order to avoid any provocations, although the [2012] Language Law was unbalanced, he will not sign into law the Parliament's decision to repeal it until a new bill to protect all languages is passed.

He underlined that "unlike the previous law, this bill will be fully balanced" and the legislation would reflect the interests "of West and East of Ukraine, all ethnic groups and national minorities."

Oleksandr Turchynov ordered the establishment of a working group consisting of linguists, philologists and experts on social issues to draft a new law on the language policy in Ukraine. He said the legislation should be ready as soon as possible because of "intense speculations surrounding this issue." It is to be worked out by March 30 and sent for the Venice Commission's assessment.

According to the acting President of Ukraine, there will be no restrictions on language, nationality, believes in Ukraine and new democratic government clearly warrants

it. He also has made clear his opposition to any restriction on the use of the Russian language.